Application No. 10/748,525 Amendment dated September 24, 2008

First Preliminary Amendment

AMENDMENTS TO THE CLAIMS

Docket No.: 21058/0206735-US0

This Listing of Claims will replace all prior versions, and listings, of claims in the

application:

1. (Currently amended) AnA isolated population of labeled oligonucleotide probes,

each labeled oligonucleotide probe comprising an oligonucleotide associated with a series of

detectably distinguishable signal molecules, the number and type of signal molecules identifying the

nucleotide sequence of the probe, the number of probes in the population exceeding the number of

unique signal molecules, wherein each probe is configured to bind to an oligonucleotide target, and

the type of nucleotide at each position in at least one of the labeled oligonucleotide probes is

configured to be identified by an intensity of at least one of the unique signal molecules.

2. (Original) The population of labeled oligonucleotide probes of claim 1, wherein

each unique signal molecule is present up to 4 times per labeled oligonucleotide probe.

(Canceled)

(Canceled)

5. (Original) The population of labeled oligonucleotide probes of claim 1, wherein

each labeled oligonucleotide probe comprises an intensity reference signal molecule.

2

Application No. 10/748,525 Docket No.: 21058/0206735-US0 Amendment dated September 24, 2008

First Preliminary Amendment

6. (Original) The population of labeled oligonucleotide probes of claim 1, wherein

each oligonucleotide is an identical length of about 10 to 50 nucleotides.

7. (Original) The population of labeled oligonucleotide probes of claim 1, wherein

the signal molecules are Raman labels.

8. (Previously Presented) The population of labeled oligonucleotide probes of

claim 7, wherein the series of signal molecules comprise a polymethine due or a signal molecule

selected from the group consisting of 2-Aminopurine, 2-Fluoroadenine, 4-Amino-pyrazolo[3,4-

d|pyrimidine, 4-Pyridinecarboxaldoxime, 8-Azaadenine, Adenine, 4-Amino-3,5-di-2-pyridyl-4II-

1.2.4-triazole, 6-(g.g-Dimethylallylamino)purine, Kinetin, N6-Benzoyladenine, Zeatin. 4-Amino-2.1.3-benzothiadia-zole, Aeriflavine, Basic blue 3, Methylene Blue, 2-Mercapto-benzimidazole, 4-

Amino-6-mercaptopyrazolo[3.4-d]pyrimidine, 6-Mercaptopurine, 8-Mercaptoadenine (adenine

thiol), 9-Aminoacridine, Cyanine dyes, Ethidium bromide, Fluorescein, Rhodamine Green, and

Rhodamine-6G.

9. (Original) The population of labeled oligonucleotide probes of claim 1, wherein

the signal molecules are fluorescent labels or quantum dots.

10. (Original) The population of labeled oligonucleotide probes of claim 1, wherein

the signal molecules are a series of nanotags.

3

Application No. 10/748,525 Docket No.: 21058/0206735-US0 Amendment dated. September 24, 2008

First Preliminary Amendment

11-23. (canceled)

24. (Currently amended) A reaction mixture, comprising a target polynucleotide and an

isolated population of labeled probes, wherein each labeled probe comprises an oligonucleotide

associated with a series of detectably distinguishable signal molecules, the nucleotide sequence of

each oligonucleotide being represented by the number and type of signal molecules associated with

the oligonucleotide, wherein the number of probes exceeds the number of unique signal molecules,

wherein each probe is configured to bind to an oligonucleotide target, and the type of nucleotide at each position in at least one of the labeled probes is configured to be identified by an intensity of at

least one of the unique signal molecules.

25. (Original) The reaction mixture of claim 24, wherein each unique signal

molecule is present up to 4 times per labeled oligonucleotide probe.

(Canceled)

(Canceled)

28. (Original) The reaction mixture of claim 24, wherein each labeled

oligonucleotide probe comprises an intensity reference signal molecule.

4

Application No. 10/748,525 Amendment dated September 24, 2008

First Preliminary Amendment

29. (Original) The reaction mixture of claim 24, wherein each oligonucleotide is an

Docket No.: 21058/0206735-US0

identical length of about 10 to 50 nucleotides.

30. (Original) The reaction mixture of claim 24, wherein the population of labeled

oligonucleotide probes comprises all possible sequence combinations of an oligonucleotide of the

identical length.

31. (Original) The reaction mixture of claim 24, wherein the signal molecules are

Raman labels.

32. (Previously Presented) The reaction mixture of claim 31, wherein the series of

signal molecules comprise a polymethine dye or a signal molecule selected from the group

consisting of 2-Aminopurine, 2-Fluoroadenine, 4-Amino-pyrazolo[3,4-d]pyrimidine, 4-

Pyridinecarboxaldoxime, 8-Azaadenine, Adenine, 4-Amino-3,5-di-2-pyridyl-4H-1,2,4-triazole, 6-

(g,g-Dimethylallylamino)purine, Kinetin, N6-Benzoyladenine, Zeatin, 4-Amino-2.1,3-benzothiadia-

zole, Acriflavine, Basic blue 3, Methylene Blue, 2-Mercapto-benzimidazole, 4-Amino-6-

mercaptopyrazolo[3,4-d]pyrimidine, 6-Mercaptopurine, 8-Mercaptoadenine (adenine thiol), 9-

Aminoacridine, Cyanine dyes, Ethidium bromide, Fluorescein, Rhodamine Green, and Rhodamine-

6G.

33. (Original) The reaction mixture of claim 24, wherein the signal molecules are

fluorescent labels

- 5

Application No. 10/748.525 Docket No.: 21058/0206735-US0 Amendment dated September 24, 2008

First Preliminary Amendment

34. (Original) The reaction mixture of claim 24, wherein the signal molecules are a

series of nanotags.

(Currently amended) The population of labeled oligonucleotide probes of claim 1.

wherein a location of a peak in a response spectra of a sample comprising the labeled

oligonucleotide probes indicates the presence of a particular labeled oligonucleotide probe while the

size intensity of the peak is proportional to the number of thea particular labeled oligonucleotide

probe.

36. (Currently amended) The reaction mixture of claim 24, wherein a location of a peak

in a response spectra of a sample comprising the labeled oligonucleotide probes indicates the

presence of a particular labeled oligonucleotide probe while the size intensity of the peak is

proportional to the-a number of the particular labeled oligonucleotide probe.

37. (Previously Presented) The population of labeled oligonucleotide probes of

claim 1, wherein each signal molecule is assigned to encode a subunit of a template polynucleotide.

38. (Previously Presented) The reaction mixture of claim 24, wherein each signal

molecule is assigned to encode a subunit of a template polynucleotide.

Application No. 10/748,525 Amendment dated September 24, 2008

First Preliminary Amendment

39. (New) The population of labeled oligonucleotide probes of claim 1, wherein each

Docket No.: 21058/0206735-US0

labeled oligonucleotide probe comprises a single strand.

40. (New) The population of labeled oligonucleotide probes of claim 1, wherein the

labeled oligonucleotide probes are not immobilized.

41. (New) The population of labeled oligonucleotide probes of claim 1, wherein each

labeled oligonucleotide probe further comprises two or more linkers that link two or more signal

molecules and the probe.

42. (New) The population of labeled oligonucleotide probes of claim 1, wherein the

labeled oligonucleotide probes comprise two or more labels and the series of detectably

distinguishable signal molecules are divided among the two or more labels, the two or more labels

attached at different positions on the probe.

43. (New) The population of labeled oligonucleotide probes of claim 1, wherein the

series of detectably distinguishable signal molecules comprises a number of different signal

molecules, the number of different signal molecules equal to the number of labeled bases in the

labeled oligonucleotide probes.

44. (New) The reaction mixture of claim 24, wherein each labeled oligonucleotide probe

comprises a single strand.

- 7

Application No. 10/748,525 Docket No.: 21058/0206735-US0 Amendment dated September 24, 2008

First Preliminary Amendment

45. (New) The reaction mixture of claim 24, wherein the labeled oligonucleotide probes

are not immobilized.

46. (New) The reaction mixture of claim 24, wherein each labeled probe further

comprises two or more linkers that link two or more signal molecules and the probe.

47. (New) The reaction mixture of claim 24, wherein the labeled oligonucleotide probes

comprise two or more labels and the series of detectably distinguishable signal molecules are

divided among the two or more labels, the two or more labels attached at different positions on the

probe.

48. (New) The reaction mixture of claim 24, wherein the series of detectably

distinguishable signal molecules comprises a number of different signal molecules, the number of

different signal molecules equal to the number of labeled bases in the labeled oligonucleotide

probes.

-8